

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

Maureen Sellman,

Plaintiff,

v.

**MEMORANDUM OPINION  
AND ORDER**

Civil No. 08-5055 ADM/JJG

Mobile TV Group, LP, LLLP; Fox  
Sports Net North, LLC, a/k/a Fox Sports  
Net North; FSNW, Inc.; FSN Inc.; Dan  
Siekmann; and Suns Legacy Partners, LLC  
d/b/a Phoenix Suns,

Defendants.

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Stephen W. Cooper, Esq., The Cooper Law Firm, Chartered, Minneapolis, MN, appeared for and on behalf of the Plaintiff.

Jonathan P. Norrie, Esq., Bassford Remele, PA, Minneapolis, MN, appeared for and on behalf of the Defendants.

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On November 7, 2008, the undersigned United States District Judge heard oral argument on Plaintiff Maureen Sellman's ("Sellman") Motion to Remand [Docket No. 19]. As stated on the record at oral argument, Sellman's motion is granted and the case is remanded to state court.

Defendants removed this action under 28 U.S.C. § 1332. Section 1332 requires complete diversity between the plaintiff and all defendants, and the presence of a non-diverse party destroys federal jurisdiction. Defendant Fox Sports Net North ("Fox") is a Minnesota entity and thus is not diverse in respect to Sellman who is a Minnesota resident. Compl. [Docket No. 1] ¶¶ 1, 3. Defendants argue that Fox has been fraudulently joined for the purpose of defeating federal jurisdiction. Defendants must show that there is "no reasonable basis in fact or colorable ground supporting the claim against the joined defendant." Masephol v. Am. Tobacco Co., F. Supp.

1245, 1250 (D. Minn. 1997). Based on the allegation in the Complaint, the Court finds that sufficient facts have been alleged to support a claim against Fox.

If all Minnesota Defendants are dismissed as parties to the suit, the remaining Defendants may then remove this case to federal court based on diversity jurisdiction. 28 U.S.C. § 1332.

For the reasons stated at oral argument and summarized here, **IT IS HEREBY ORDERED** that Sellman's Motion to Remand [Docket No. 19] is **GRANTED**.

**LET JUDGMENT BE ENTERED ACCORDINGLY.**

BY THE COURT:

s/Ann D. Montgomery  
ANN D. MONTGOMERY  
U.S. DISTRICT JUDGE

Dated: November 7, 2008.